

BEFORE THE MISSISSIPPI REAL ESTATE COMMISSION

MISSISSIPPI REAL ESTATE COMMISSION

COMPLAINANT

VS.

NO. 072-1811

STEPHEN C. CRAWFORD, BROKER

RESPONDENT

AGREED ORDER

THIS CAUSE came before the Mississippi Real Estate Commission, sometimes hereinafter "Commission," pursuant to authority of Miss. Code Ann. §§73-35-1, *et seq.*, as amended, on a formal Complaint brought against Respondent Stephen C. Crawford, Broker. Prior to the hearing before the Commission, the parties announced an agreement as to resolution of the matter wherein Stephen C. Crawford agreed to the voluntary surrender of his real estate broker's license and closure of his license file in lieu of proceeding to formal administrative hearing on the allegations of the Commission Complaint. By entering into this Agreed Order, Respondent waives his right to a hearing with full due process and the right to appeal any adverse decision which may result from that hearing. Having reached an agreement on this matter, the Commission issues its Findings of Fact, Conclusions of Law and Order as follows:

FINDINGS OF FACT

I.

At all times material to the allegations of the Commission Complaint, Respondent Stephen C. Crawford, Broker, sometimes hereinafter "Respondent" or

“Crawford” was an adult resident citizen of Mississippi whose last known address of record with the Commission was 112 Court Street, Bay St. Louis, Mississippi 39520. Respondent Crawford is the holder of a real estate broker’s license issued by the Commission pursuant to Miss. Code Ann. §§73-35-1, *et seq.*, and, as such, he is subject to all of the provisions, rules, regulations and statutes governing the sale and transfer of real estate and licensing of real estate brokers under Mississippi law. At all relevant times to this Complaint, Respondent Crawford was Principal Broker for Crawford Realty Group, LLC, sometimes hereinafter “Crawford Realty Group.”

II.

On or about October 26, 2018, the Commission received a sworn complaint from Amy Wood, Principal Broker of Amy Wood Properties in Pass Christian, Mississippi. Wood stated she had been in business as Amy Wood Properties since 2011. Amy Wood complained she maintains a website for her real estate business at *amywoodproperties.com* and has used her personal name professionally in the Mississippi Gulf Coast area since 2005.

III.

Amy Wood complained she had recently discovered that Respondent Stephen Crawford’s brokerage, Crawford Realty Group, had apparently registered at least two (2) internet domain names with substantially similar names to that of her own website: *amywoodproperty.com* and *amywoodrealty.com*. When entered in an internet search, these two referenced domain names would automatically

redirect the user to *crawfordrealtygroup.com*, the domain address for the website for Respondent Stephen Crawford's brokerage Crawford Realty Group. Amy Wood submitted documentation she obtained from the Internet Corporation for Assigned Names and Numbers (ICANN) which reflected that the referenced domains were registered on or about August 26, 2016. Amy Wood was alerted to the existence of the two domain names at issue when she received a business inquiry directed to Amy Wood Properties that was addressed to both herself and Respondent Crawford, as the sender apparently believed Crawford was associated with her business due to the substantially similar domain names at issue.

IV.

Following receipt of the sworn complaint of Amy Wood, the Commission initiated an investigation into the matter. Thereafter, the Commission received two (2) additional complaints against Respondent Stephen Crawford with identical allegations as those in Amy Wood's complaint, from Avra O'Dwyer, Principal Broker of O'Dwyer Realty and John Regan Kane, Principal Broker of John McDonald Realty. O'Dwyer and Kane, also brokers operating in the Mississippi Gulf Coast area, submitted their sworn complaints to the Commission on October 29 and October 31, 2018, respectively. Upon receipt of the complaints from O'Dwyer and Kane, the matters were consolidated for purposes of the Commission investigation.

V.

Broker Avra O'Dwyer complained Crawford had registered the domain name *odwyerrealestate.com* which redirected internet users to Respondent Crawford's brokerage, Crawford Realty Group. O'Dwyer's own website domain for her business is *odwyerrealty.com*. Broker John Regan Kane complained Crawford had registered the domain name *johnmcdonaldrealestate.com* which redirected internet users to Crawford Realty Group. Kane's own website domain for his business is *johnmcdonaldrealty.com*.

VI.

Prior to Respondent Crawford being notified of and supplied with copies of the sworn complaints of Amy Wood, Avra O'Dwyer and John Regan Kane, Commission Investigator Rick Stubblefield contacted Respondent Crawford by telephone. Investigator Stubblefield instructed Crawford to supply the Commission with a list of all domain names he had registered, specifically including domain names purchased that had a similar or identical name to a real estate agency or agent.

VII.

Following the telephone call between Respondent Crawford and the Commission Investigator, Crawford submitted correspondence to the Commission by email dated October 29, 2018 at approximately 11:28 a.m. Therein, Crawford responded that "[p]ursuant to our discussion, here are all of the domains registered with Crawford Realty Group..." and his email incorporated an email forwarded from his domain registry company "GoDaddy" (received by Crawford earlier that

morning at approximately 10:05 a.m.) and which email stated to Crawford: ‘Hey Stephen, These are the list of domains currently on your account with GoDaddy...’

The list included the following domains:

passchristianwaterfront.com

passchristianhomesforsale.com

msgulfcoasthomesearch.com

thecrawfordrealtygroup.com

crawfordrealtygroup.net

stephencrawfordrealty.com

VIII.

Recognizing that this email list forwarded from Crawford (submitted to Crawford from GoDaddy at 10:05 a.m.) did not contain domain names similar to those of the other brokers at issue (Wood, O’Dwyer and Kane), Commission Investigator Stubblefield wrote back to Respondent Crawford five minutes later, at approximately 11:33 a.m.:

[Investigator Stubblefield to Respondent Crawford]

“Mr. Crawford,

Not only was I requesting a list of your current domain names you have with godaddy, I was clear in requesting a list of ALL the domain names you purchased that had a similar or identical name to a real estate agency or agent.”

IX.

Approximately fifteen minutes later, at approximately 11:49 a.m. on October 29, 2018, Respondent Crawford replied to Investigator Stubblefield:

[Respondent Crawford to Investigator Stubblefield]

“Per your request, here are the domain names that had been secured on behalf of Crawford Realty Group. I sincerely apologize that this has caused issues and I addressed it as soon as I was notified. I am currently seeking other marketing help and will be much more knowledgeable in the future.”

This email from Crawford to Investigator Stubblefield was itself a forwarded set of emails from GoDaddy to Crawford reflecting a subject line that “[t]he enclosed items have been canceled, Stephen.” This forwarded email incorporated several email notifications from GoDaddy to Crawford, received by Crawford at approximately 10:02-10:03 a.m., advising “You’ve canceled a product” followed by notification of cancellations of:

johnmcdonaldrealestate.com;
odwyerrealestate.com;
amywoodproperty.com; and
amywoodrealty.com

This list of “canceled” domains was provided to Crawford from GoDaddy only a few minutes before Crawford received from GoDaddy the list of “current” domains referenced in Paragraph VII herein.

X.

Subsequent to the October 29, 2018 exchanges between Respondent Crawford and Commission Investigator Stubblefield, the Commission notified Crawford on November 14, 2018 with an official notice of the investigation of the matters alleged by Wood, O’Dwyer and Kane. The Commission provided Crawford with copies of the sworn complaints filed by Wood, O’Dwyer and Kane,

respectively, and instructed Crawford to respond to the allegations within ten (10) days. Crawford was further instructed to supply a signed, notarized affidavit indicating he was submitting the “entire supporting correspondence” associated with his activities “involving the registration of domain names similar to the names of other real estate brokerage firms.”

XI.

The Commission received a sworn, written response from Respondent Crawford on November 26, 2018. Therein, Crawford claimed that he was “fully aware of the error made and the gravity of the complaint against me.” Crawford supplied copies of numerous emails, including those between Crawford and Investigator Stubblefield from a few weeks earlier on October 29, referenced herein. Crawford submitted copies of emails between himself and GoDaddy from September, 2016 (shortly after he had registered numerous domains, including for his own brokerage and those domains complained of by Wood, O’Dwyer and Kane). Crawford’s 2016 emails with GoDaddy did reference some domains he had “taken off” but which were still registered. In his response to the Commission, Crawford stated he had been “completely confused” by his dealings with GoDaddy with respect to their efforts with marketing assistance and products. Crawford implied that it was GoDaddy that had insisted in the actions that led to the registration of the domains complained of by Wood, O’Dwyer and Kane (which redirected users to his company website). It is noted that the domain names complained of remained

registered to and invoiced to Crawford for over two (2) years until the subject complaints were submitted by Wood, O'Dwyer and Kane.

XII.

Following Crawford's sworn response to the Commission, replies including additional information/documentation were received from Wood and O'Dwyer. Therein, it was alleged that, while Crawford may have legally purchased or registered the domain names at issue, he (or someone acting on his instructions) must have taken affirmative steps to cause those domain names to redirect internet users to Crawford's own website. In a follow up response from Crawford, Crawford responded: "I did not give Go Daddy any names. Go Daddy came up with these things on their own." Crawford did not address the specific allegation that someone would have had to take concrete actions to cause the redirection of users from the subject domains to his own website, implying that GoDaddy was responsible for redirecting the subject domains. In his response to the issue of having paid for the domains for some two (2) years, Crawford responded that "these were automatically billed to me and were paid by someone that works for me."

XIII.

During the Commission investigation, additional documentation was received from Amy Wood following Crawford's cancellation of the two (2) domain names substantially similar to Wood's own brokerage website. Wood submitted correspondence from a third party (not GoDaddy) that had purchased the domain name *amywoodproperty.com* after Crawford had canceled and released that domain

name. Wood was advised this third party could sell her this domain and that, when it was owned previously by “a real estate broker” it had been actively used and had averaged 5 visitors daily and around 150 visitors monthly while registered by Respondent Stephen Crawford.

CONCLUSIONS OF LAW

XIV.

The Commission and Respondent Stephen C. Crawford agree that the above and foregoing alleged acts and omissions of the Respondent, if proved at an administrative hearing upon clear and convincing evidence, could constitute violations of the Mississippi Real Estate Brokers License Act of 1954, as amended, §§73-35-1, *et seq.*, Miss. Code Ann., and the Rules and Regulations of the Commission, and, more specifically, §73-35-21(1)(d) and (n) and Commission Rules 1.1F, 3.1F, 3.3A, and 3.3B, which provide, in relevant parts:

§73-35-21 Grounds for refusing to issue or suspending or revoking license; hearing

(1)

(d) Any misleading or untruthful advertising;

(n) Any act or conduct, whether of the same or a different character than hereinabove specified, which constitutes or demonstrates ...improper dealing...

Rule 1.1F If a corporation has been chartered by the State of Mississippi, the license will be issued in the corporate name except that no

license will be issued for a corporation, company, or trade name where there exists in that county or trade area a real estate broker or real estate agency having a substantially similar name.

Rule 3.1F Any licensee who ...fails or neglects to abide by Mississippi Real Estate Commission's Rules and Regulations shall be deemed, prima facie, to be guilty of improper dealing.

Rule 3.3A "Advertising" means the use of any oral, written, visual, printed or electronically generated advertisement by a real estate licensee or other person on behalf of a real estate licensee.

"Advertisement" means any oral, written, visual, printed or electronic media advertisement and encompasses any correspondence, mailing, newsletter, brochure, business card, for sale or for lease signage or sign rider, promotional items, automobile signage, telephone directory listing, radio and television broadcasts, telephone solicitation and electronic media to include e-mails, text messaging, public blogs, social media-networking websites, and/or internet displays.

Rule 3.3B A broker shall advertise in the name in which the licensee is issued. A broker may use a descriptive term after the broker's name to indicate the occupation in which engaged, for example, "realty", "real estate" or "property management." If advertising in any other form, a partnership, trade name, association, company or corporation license must be obtained prior to advertising in that manner.

All advertising must be under the direct supervision and in the name of the Principal Broker or in the name of the real estate Brokerage Firm and must prominently display the name of the Principal Broker or the name of the Brokerage Firm in such a manner that it is conspicuous, discernible and easily identifiable by a member of the public.

ORDER

Upon agreement and consent of the Respondent as to resolution of this matter in lieu of proceeding to a formal hearing before the Commission and, having issued

its Findings of Fact and Conclusions of Law, the Commission hereby issues its Order finally resolving this matter as follows:

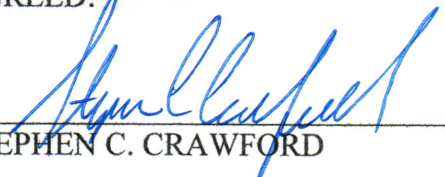
1. Respondent Stephen C. Crawford shall surrender his real estate broker's license, including the original wall license and pocket card, to the Commission offices on or before October 1, 2019.
2. Upon receipt of Respondent's original license and pocket card by the Commission, Respondent's Commission license file shall be closed.
3. This Agreed Order shall be effective upon receipt of the original license and pocket card of Respondent at the Commission offices and otherwise no later than October 1, 2019.

This, the 30th day of September, 2019.

MISSISSIPPI REAL ESTATE COMMISSION

BY: 
ROBERT E. PRAYTOR, Administrator

AGREED:


STEPHEN C. CRAWFORD

